

REMARKS

Favorable reconsideration is respectfully requested. Amended claim 1 has been submitted and claims 9 and 17 have been cancelled. Claims 1-8, 10-16 and 18 are currently pending.

Response to rejection of claim 1, 9-11, and 13-17 under U.S.C. §102 as anticipated by Regula (U.S. 5,550,172).

Applicants respectfully submit that Regula does not disclose every element of presently pending claims 1, 9-11, and 13 -17 at least for the following reasons. Regula does not disclose a blend comprising at least one bioabsorbable component and cyanoacrylate component. Regula merely discloses:

A process for enhancing the security of implantable surgical devices secured to bone tissue comprising implanting a surgical with a biocompatible adhesive and/or sealant provided in an amount effective to increase the security of the implanted surgical device.

In another embodiment Regula also provided an implantable surgical device comprising an implantable surgical device coated with a biocompatible adhesive or sealant.
(see column 1, lines 44 et seq.)

Regula then enumerates suitable adhesives. Suitable cyanocrylates adhesives are discussed at column 2, line 19-column 4, line 8. Then other suitable biocompatible adhesives are

discussed at column 4, lines 9-column 4, line 34. At column 4, line 35 et seq. suitable

bioabsorbable materials which may be used as an adhesive are disclosed. Applicants respectfully direct Examiner's attention to Example 4 bridging columns 8 and 9, and specifically to Table 1, at column 9, which clearly shows that the Vetbond adhesive, the DMMM adhesive, and the PCL adhesive were comparatively tested and thus applied separately and not blended together.

Response to rejection of claims 1 and 9-13 under 35 U.S.C. §102 (e) as anticipated by Hyon (U.S. 6,103,778).

Applicants respectfully submit that Hyon does not disclosure every element of the presently pending claims at least for the following reasons. Hyon does not disclosure a blend comprising at least one bioabsorbable component and one cyanoacrylate component wherein the bioabsorbable component is glycolide, trimethylene carbonate, dioxanone caprolactone, alkylene glycol, esteramide, or copolymers thereof.

Hyon merely disclosed "adhesive compositions of alpha-cyanoacrylate for surgical use" (see column 2, lines 40-41). At column 3, lines 20 et seq. Hyon discloses:

In order to meet the above criteria, the present invention is a novel adhesive composition for surgical use, which is prepared by adding polymers to an alpha-cyanoacrylate adhesive composition to provide an easily biodegrading and bioabsorbing adhesive composition. The polymers include the co-polymer of DL-lactic acid and -caprolactone or the co-polymer of DL-lactic acid, and ethylene glycol and -caprolactone, or the co-polymer of the ethylene glycol and -caprolactone.

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Amendment

Responsive to Office Action dated October 29, 2004

Response to the rejection of claims 1-18 as obvious over Hyon (6,103,778) in view of Bennett (5,543,218).

Applicants respectfully traverse the above rejection at least for the following reasons.

There is no disclosure in Hyon that the bioabsorbable material so fBennett would be suitable to blend with the presently claimed cyanoacrylates to fabricate a surgical adhesive. Moreover, there is no disclosure in Bennett that the materials disclosed therein could be successfully blended with cyanoacrylate type materials to fabricate a surgical adhesive. Applicants respectfully submit that the only disclosure of the presently pending claims is in applicants' disclosure. Therefore, since the only motivation to combine the references resides in the applicants' presently pending application, the reconsideration and withdrawal of this impermissible hindsight rejection is respectfully requested.

Therefore, applications respectfully request that the rejection be withdrawn and the claims be allowed.

The Examiner is invited to contact the undersigned should he believe this would expedite prosecution of this application.

Respectfully submitted,

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